

# Advisory Opinion

IECDB AO 2008-18

October 23, 2008

TO ALL INTERESTED PERSONS:

Pursuant to Iowa Code section 68B.32A(11) and rule 351—1.2, the Iowa Ethics and Campaign Disclosure Board issues this opinion on the use of candidate campaign funds for sponsorships of events when the candidate is not in attendance. We note at the outset that the Board's jurisdiction is limited to the application of Iowa Code chapters 68A and 68B, Iowa Code section 8.7, and rules in Iowa Administrative Code chapter 351. Advice in a Board opinion, if followed, constitutes a defense to a subsequent complaint based on the same facts and circumstances.

OPINION:

Iowa Code section 68A.302(1) permits the expenditure of campaign funds for "campaign purposes, educational and other expenses associated with office, or constituency services" and prohibits the use of campaign funds for "personal expenses or personal benefit."

Iowa Code section 68A.302(2) then sets out a series of permissible and impermissible uses of candidate campaign funds that includes subparagraph "i" that prohibits the use of campaign funds for meals or food "except for tickets to meals that the candidate attends solely for the purpose of enhancing the candidacy or the candidacy of another person" or "payment for food and drink purchased for campaign related purposes and for entertainment of campaign volunteers." <sup>1</sup>

In IECDB Advisory Opinion 2003-12, the Board opined that candidates could use campaign funds to make donations to the Christian Coalition of Iowa to attend the Coalition's annual dinner. The Board determined that attending the dinner was for the purpose of "enhancing the candidacy" of the candidate "or the candidacy of another person." Thus, such an expense was "a legitimate campaign expenditure and may be made from campaign funds."

As a result of that opinion, it was permissible for a candidate to use campaign funds for an event when a meal was served so long as the event was for "campaign purposes" and "enhanced the candidacy" of the candidate or the "candidacy of another person." The issue has now been raised regarding the use of candidate campaign funds to pay for sponsorships of events when the candidate does not attend.

As the candidate will not be attending the event, the issue of campaign funds being used for a meal or food is not at issue and Iowa Code section 68A.302(2) is not applicable. Thus, the statutory analysis is under Iowa Code section 68A.302(1) and focuses on whether or not sponsoring the event is for “campaign purposes, educational and other expenses associated with office, or constituency services.”

In determining whether the sponsorship of an event is permissible under Iowa Code section 68A.301, the Board will review such factors as the political affiliation of the group putting on the event, the goals of the group, the level of recognition or advertising afforded to the candidate, and other indications of how the sponsorship was permitted under the statute. To assist in this review, a candidate paying for a sponsorship and not attending the event should be very specific on the candidate’s campaign disclosure report concerning the purpose of the expenditure.

#### BY DIRECTION AND VOTE OF THE BOARD

James Albert, Board Chair  
Janet Carl, Vice Chair  
Gerald Sullivan  
Betsy Roe  
John Walsh  
Patricia Harper

Submitted by: W. Charles Smithson, Board Legal Counsel

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<sup>1</sup> See also Board rules 351—4.25(1)“h” and “p”, 4.25(2)“b” and “c”, 4.25(3)“c”, and IECDB Advisory Opinions 2000-09, 2000-10, 2006-15, and 2008-06 all of which discuss the use of candidate campaign funds and meals.